

Senate File 2208 - Reprinted

SENATE FILE _____
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2008)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to access to certain burial sites located on
2 private property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5276SV 81
5 av/je/5

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1 1 Section 1. Section 523I.316, subsection 3, Code Supplement
1 2 2005, is amended to read as follows:

1 3 3. DUTY TO PRESERVE AND PROTECT.

1 4 a. A governmental subdivision having a cemetery, or a
1 5 burial site that is not located within a dedicated cemetery,
1 6 within its jurisdiction, for which preservation is not
1 7 otherwise provided, shall preserve and protect the cemetery or
1 8 burial site as necessary to restore or maintain its physical
1 9 integrity as a cemetery or burial site. The governmental
1 10 subdivision may enter into an agreement to delegate the
1 11 responsibility for the preservation and protection of the
1 12 cemetery or burial site to a public or private organization
1 13 interested in historical preservation.

1 14 b. If a public or private organization enters into an
1 15 agreement with a governmental subdivision pursuant to this
1 16 subsection to preserve and protect a cemetery or burial site
1 17 that is located on property owned by another person within the
1 18 jurisdiction of the governmental subdivision, the governmental
1 19 subdivision shall notify the property owner of the location of
1 20 the cemetery or burial site and that the property owner is
1 21 required to permit members of the organization reasonable
1 22 ingress and egress for the purposes of preserving and
1 23 protecting the cemetery or burial site.

1 24 c. Subject to chapter 670, a governmental subdivision that
1 25 enters into an agreement with a public or private organization
1 26 pursuant to this subsection is liable for any personal injury
1 27 or property damage that occurs in connection with the
1 28 preservation or protection of the cemetery or burial site or
1 29 access to the cemetery or burial site.

1 30 d. For the purposes of this subsection, reasonable ingress
1 31 and egress to a cemetery or burial site shall include the
1 32 following:

1 33 (1) A member of a public or private organization that has
1 34 entered into an agreement with the governmental subdivision
1 35 who desires to visit such a cemetery or burial site shall give
2 1 the property owner at least ten days' notice of the intended
2 2 visit.

2 3 (2) If the property owner cannot provide reasonable access
2 4 to the cemetery or burial site on the desired date, the
2 5 property owner shall provide reasonable alternative dates when
2 6 the property owner can provide access to the member.

2 7 e. A governmental subdivision that enters into an
2 8 agreement with a public or private organization pursuant to
2 9 this subsection is liable for any personal injury or property
2 10 damage that occurs in connection with the cemetery or burial
2 11 site or access to the cemetery or burial site.

2 12 SF 2208

2 13 av:rj/cc/26